

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

NOV 17 2004

LAWRENCE K. BAERMAN, CLERK
ALBANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KUN FUK CHENG,
a/k/a STEVEN CHENG,
JIN RONG CHENG,
a/k/a JOYCE CHENG,
and HUI GUO,
Defendants.

INDICTMENT

CASE NO. 04-CR- 544 TJM

VIO: 8 U.S.C. § 1324(a)(1)(A)(v)(I)
(Conspiracy - Count 1)
8 U.S.C. § 1324 (a)(3)(A) and
18 U.S.C. § 2
(Unlawful Employment - Count 2)
18 U.S.C. § 1956(h)
(Money Laundering Conspiracy -
Count 3)
3 FELONY COUNTS
1 FORFEITURE COUNT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

AT TIMES MATERIAL TO THIS INDICTMENT:

1. KUN FUK CHENG and JIN RONG CHENG owned and operated the Dragon Buffet Restaurant and Motel, located at 1881 Central Ave., Albany, N.Y., as well as the entire property or parcel located at 1879-1885 Central Ave., Albany, N.Y.

2. KUN FUK CHENG and JIN RONG CHENG owned and operated the Dragon Buffet Restaurant, which is located at 15 Park Rd., Shoppers World Mall, Clifton Park, N.Y.
3. KUN FUK CHENG and JIN RONG CHENG housed aliens and undocumented workers employed at the Albany and Clifton Park Dragon Buffet restaurants at the Dragon Buffet motel at 1881 Central Ave., Albany.
4. KUN FUK CHENG and JIN RONG CHENG owned and operated the Dragon Buffet Restaurant, which is located at 1828 Altamont Ave., Rotterdam, N.Y., including the property and building in which the restaurant is located.
5. KUN FUK CHENG and JIN RONG CHENG housed aliens and undocumented workers employed at the Rotterdam Dragon Buffet restaurant at the Dragon Buffet motel at 1881 Central Ave., Albany, and at a residence at 1309 State St., Schenectady, which was owned and purchased by KUN FUK CHENG.
6. KUN FUK CHENG and JIN RONG CHENG owned and operated the Dragaon Buffet Restaurant, which is located at 710 New Loudon Rd., Latham, N.Y.
7. Aliens and undocumented workers employed at the Latham Dragon Buffet restaurant were housed at 148 4th St., Troy, N.Y.
8. KUN FUK CHENG and HUI GUO owned and operated the Dragon Buffet Restaurant, which is located at 1200 Ulster Ave., Kings Mall, Kingston, N.Y.
9. KUN FUK CHENG and HUI GUO owned a residence at 75-77 Elmendorf Ave., Kingston, N.Y., which was used to house aliens and undocumented workers employed at the Kingston Dragon Buffet restaurant.

10. KUN FUK CHENG and HUI GUO owned and operated the Dragon Buffet Restaurant, which is located at 2600 South Rd., Route 9, Poughkeepsie, N.Y.

11. KUN FUK CHENG and HUI GUO owned a residence at 52 Lent St., Poughkeepsie, N.Y., which was used to house aliens and undocumented workers employed at the Poughkeepsie Dragon Buffet restaurant.

12. KUN FUK CHENG, JIN RONG CHENG, and HUI GUO used and employed surrogates and others to transport the workers between the residences and the restaurants, to monitor the workers in the residences, and to assist them in managing and operating the restaurants.

13. KUN FUK CHENG, JIN RONG CHENG, and HUI GUO concealed their ownership and interests, and the extent of their ownership and interests, in the Dragon Buffet restaurants and related properties by listing and identifying them under different corporate names and identities, and by listing different individuals as the presidents of each corporation.

14. KUN FUK CHENG, JIN RONG CHENG, and HUI GUO deposited and concealed cash and proceeds from the six restaurants in "nominee" accounts, or bank accounts opened in the names of employees, family members, and a corporate entity, Albany Realty, Inc., which they controlled and used to pay personal expenses and to acquire assets.

15. KUN FUK CHENG, JIN RONG CHENG, and HUI GUO concealed assets they purchased and possessed by listing and identifying them under names other than their own.

COUNT ONE

From on or about the 1st day of January 1999, and continuing until the present date, the exact dates being unknown to the grand jury, in the State and Northern District of New York, and

elsewhere, KUN FUK CHENG, a/k/a STEVEN CHENG, JIN RONG CHENG, a/k/a JOYCE CHENG, and HUI GUO, the defendants herein, did knowingly combine, conspire and agree with each other and others known and unknown to the grand jury to commit the following offenses against the United States:

(a) to conceal, harbor, and shield from detection in residences they owned and rented, numerous aliens of Chinese nationality, and to attempt to do so, knowing and in reckless disregard of the fact that these aliens had come to, entered, and remained in the United States in violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii); and

(b) to encourage and induce numerous aliens of Chinese nationality to reside in the United States, knowing and in reckless disregard of the fact that such residences by these aliens were and would be in violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv);

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i).

COUNT TWO

From on or about November 17, 2003 and continuing until on or about November 17, 2004, in the State and Northern District of New York and elsewhere, KUN FUK CHENG, a/k/a STEVEN CHENG, JIN RONG CHENG, a/k/a JOYCE CHENG, and HUI GUO, the defendants herein, did hire at least ten individuals for employment at the Dragon Buffet Restaurants in Albany, Latham, Clifton Park, Rotterdam, Kingston, and Poughkeepsie, New York, with actual knowledge that these individuals were and are aliens from China, who had not been lawfully admitted for residence in the United States, had not been authorized for

employment by law or by the Attorney General or his successor, the Secretary of Homeland Security, and had been brought into the United States in violation of law, In violation of Title 8, United States Code, Section 1324(a)(3)(A).

COUNT THREE

From on or about the 1st day of January 1999, and continuing until the present date, the exact dates being unknown to the grand jury, in the State and Northern District of New York, and elsewhere, KUN FUK CHENG, JIN RONG CHENG, and HUI GUO, the defendants herein, did knowingly combine, conspire and agree with each other and others known and unknown to the grand jury to commit the following offense against the United States, that is, in violation of Title 18, United States Code, Section 1956(a)(1),

(a) to conduct and attempt to conduct financial transactions affecting interstate commerce that involved the proceeds of specified unlawful activities in connection with the employment of numerous Chinese aliens at the six Dragon Buffet restaurants, to wit: the unlawful conspiracy to harbor these aliens and to encourage and induce these aliens to remain in the United States, in violation of Title 8, United States Code, Section 1324(a)(1)(B)(i), and the unlawful employment of these aliens, in violation of Title 8, United States Code, Section 1324(a)(3)(A),

(b) knowing that the funds involved in the financial transactions represented the proceeds of the unlawful activities, and knowing that the transactions were designed, in whole and in part, to conceal and disguise the nature, location, source, ownership, and control of the proceeds of these unlawful activities.

MANNER AND MEANS

It was a part of the conspiracy that defendants KUN FUK CHENG, JIN RONG CHENG, and HUI GUO hired and employed undocumented workers from China to work at the Dragon Buffet Restaurants in Albany, Latham, Clifton Park, Rotterdam, Kingston, and Poughkeepsie, N.Y.

It was a part of the conspiracy that defendants KUN FUK CHENG, JIN RONG CHENG, and HUI GUO required their undocumented employees to work more than forty hours a week and paid them less than the laws require.

It was a part of the conspiracy that defendants KUN FUK CHENG, JIN RONG CHENG, and HUI GUO did not pay employment benefits, and did not make the required tax payments on behalf of their employees.

It was a part of the conspiracy that defendants KUN FUK CHENG, JIN RONG CHENG, and HUI GUO used “nominee” bank accounts, or bank accounts opened in the names of employees and family members, to conceal the source and true ownership of the proceeds generated from their restaurant operations.

It was a part of the conspiracy that defendants KUN FUK CHENG, JIN RONG CHENG, and HUI GUO paid for business and personal expenses, as well as the acquisition of other assets, from these nominee accounts.

It was a part of the conspiracy that defendants KUN FUK CHENG, JIN RONG CHENG, and HUI GUO concealed their ownership of assets and property purchased with funds in the nominee accounts, by placing the assets and properties in other names.

OVERT ACTS

In furtherance of this conspiracy and to accomplish the objects of the conspiracy, the defendants and other committed the following overt acts, among others, in the Northern District of New York and elsewhere:

a. During the conspiracy, defendants and the co-conspirators used the following nominee accounts to deposit and conceal the proceeds from their illegal operation and management of the Dragon Buffet restaurants using unauthorized and undocumented alien workers, and to pay for personal expenses, additional assets, and other investment accounts:

Last Name of Account Holder	Bank and Last Four Digits of Account Number	Total Amount Deposited for Personal Expenses and Investments
Leung	HSBC 3433	\$79,417.58
Leung	Fleet Bank 3826	\$7,074.99
Wong	HSBC 2084	\$23,000.00
Huang	HSBC 4002	\$111,094.52
Cheng	HSBC 9465	\$220,961.98
Lin	Key Bank 8330	\$254,856.68
Chen	HSBC 0422	\$19,902.00
Hui Guo	HSBC 6624	\$103,007.95

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE ALLEGATION RELATING TO COUNTS ONE THROUGH THREE

Counts One through Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

As a result of committing one or more of the alleged offenses in Counts One through Three of this Indictment, if convicted, the defendants, **KUN FUK CHENG**, also known as **STEVEN CHENG**, **JIN RONG CHENG**, also known as **JOYCE CHENG**, and **HUO GUO** shall each forfeit to the United States, pursuant to:

1. Title 18, United States Code, Section 982(a)(6)(A) [as well as Title 8, United States Code, Section 1324(b)(1), Title 28, United States Code, Section 2461(c)] their interest, if any, in any and all property constituting or derived from a violation or conspiracy to violate, section 274(a) . . . of the Immigration and Nationality Act [8 U.S.C. § 1324(a)] . . . the court shall order that the person forfeit to the United States, regardless of any provision or State law; (i) any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense/s or which the person/s is convicted; and (ii) any property real or personal: (I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or (II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted; and
2. Title 18, United States Code, Section 982(a)(1), each of the defendants, if convicted of an offense in violation of section 1956 . . . of this title, shall forfeit to the United States any property real or personal, involved in such offense, or any

property traceable to such property.

The intent of the United States of America to forfeit such property includes, but is not limited to, the following property:

FORFEITABLE PROPERTY

A. MONEY JUDGMENT

A money judgment representing the total dollar amount derived from a violation of one or more of the violations alleged in Counts One through Three of this Indictment. Said defendants, who are convicted, are jointly and severally liable to the United States for these amounts.

BANK ACCOUNTS

1. **Fleet Bank Account #XXXXXX5947 in the name of Albany Buffet, Inc.;**
2. **Fleet Bank Account #XXXXXX4533 in the name of Food King Buffet, Inc.;**
3. **Fleet Bank Account #XXXXXX4208 in the name of Yes Buffet, Inc.;**
4. **HSBC Bank Account #XXXXX5806 in the name of Everyday Buffet Inc.;**
5. **HSBC Bank Account #XXXXX0841 in the name of Family Buffet, Inc.;**
6. **HSBC Bank Account #XXXXX8472 in the name of Dragon Cheng Buffet, Inc.;**
7. **HSBC Bank Account #XXXXX6624 in the name of Hui Guo;**
8. **HSBC Bank Account #XXXXX7716 in the name of Hui Guo;**
9. **HSBC Bank Account #XXXXX2084 in the name of Bik Yuk Wong with Kun Fuk Cheng as a Power of Attorney;**
10. **HSBC Bank Account #XXXXX9465 in the name of Wai Tsit Cheng with Kun Fuk Cheng as a Power of Attorney;**
11. **HSBC Bank Account #XXXXX4002 in the name of Qiong Huang with Kun Fuk**

Cheng as a Power of Attorney.

12. **HSBC Bank Account #XXXXXX3896 in the name of Qiong Huang with Kun Fuk Cheng as a Power of Attorney.**
13. **HSBC Bank Account #XXXXXX0442 in the name of Zhilei Chen.**
14. **HSBC Bank Account #XXXXXX8187 in the name of Zhilei Chen.**
15. **Key Bank Account #XXXXXXXX8330 in the name of Yong Liang Lin.**
16. **Fleet Bank Account #XXXXXXXX2788 in the name of Albany Realty Corporation.**
17. **Fleet Bank Account #XXXXXXXX8217 in the name of Albany Realty Corporation.**
18. **All current and future funds on deposit in the Allstate Account, Account No. XXXXXXXX8501, under the name of Unknown.**
19. **All current and future funds on deposit in the Charles Schwab Account, Account No. XXXX-0888, under the name of Steven Cheng.**
20. **All current and future funds on deposit in the Charles Schwab Account, Account No. XXXX-1070, under the name of Vincent Cheng.**
21. **All current and future funds on deposit in the Charles Schwab Account, Account No. XXXX-1151, under the name of Wai Tsit Cheng.**
22. **All current and future funds on deposit in the Charles Schwab Account, Account No. XXXX-1370, under the name of Celia Cheng.**
23. **All current and future funds on deposit in the Charles Schwab Account, Account No. XXXX-3818, under the name of Jin Rong Cheng.**
24. **All current and future funds on deposit in the Charles Schwab Account, Account No. XXXX-3824, under the name of Unknown.**

25. All current and future funds on deposit in the Charles Schwab Account, Account No. XXXX-8304, under the name of Unknown
26. All current and future funds on deposit in the Citibank, Account No. XXXX3804, under the name of Jin Rong Cheng.
27. All current and future funds on deposit in the Schwab One, Account No. XXXXXX1989, under the name of Kun F. Cheng and Jin R. Cheng.
28. All current and future funds on deposit in the TD Waterhouse, Account No. XXXXXX17-19, under the name of Unknown

VEHICLES

1. CJC 5720; 1996 Black Dodge Suburban; VIN #2B4HB25Y7TK127464; registered to: Dragon Cheng Buffet, Inc., 1200 Ulster Ave., Kingston, N.Y.
2. S710MA; 1996 Green Dodge Ram Wagon; VIN # 2B5WB35Y3TK131763; registered to: Dragon Cheng Buffet, 1200 Ulster Ave., Kingston, N.Y.
3. BTX 5446; 1999 red Dodge 3500 Ram Maxi; VIN #2B5WB35ZOK532623; registered to Yes Buffet, Inc., d/b/a Dragon Buffet, 710 New Loudon Rd., Latham, N.Y.
4. CLW 1368; 2003 maroon Ford E350 Super Club XL Van; VIN 1FBSS31L93HA27737; registered to Chao Jian Lin, 15 Park Ave., Clifton Park, N.Y.
5. CRV 6330; 2003 gray Ford E350 Super Club Wagon; VIN #1FBSS31L23HB67421; registered to Gee Yuk Yeung, 1200 Ulster Ave., Kingston, N.Y.
6. DAY 3401; 2004 Mercedes ML350 SUV; VIN # 4JGAB57E64A465715; registered to

Jin Rong Cheng, 15 Park Ave., Clifton Park, N.Y.

7. **CUX 5741; 2004 Toyota Suburban, VIN # JTEBU14R740034045; registered to Hui Guo, 9 Varun Lane, Lake Katrine, N. Y.**

REAL PROPERTY

1. Premises and real property with appurtenances thereon located at **1309 STATE STREET, SCHENECTADY, NY**, more particularly described in a Deed dated August 29, 2003 and recorded in the Schenectady County Clerk's Office on September 8, 2003 in Book 1659 of Deeds at Page 806, as follows:

THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the improvements thereon, situate, lying and being in the City of Schenectady, County of Schenectady and State of New York (formerly the Town of Niskayuna), in the Twelfth Ward of the City of Schenectady on the Northerly side of State Street, being a part of the premises surveyed and made out into lots for Robert Furman in October 1871, by William Henry, Surveyor, bounded and described as follows:

BEGINNING at a point in the Northerly side of State Street 58 feet Westerly from the Northeast corner of Linden Street and State Street and running thence westerly along the northerly side of State Street, 58 feet to a point; Thence Northerly among the westerly line of lands said to belong to Edward F. Garing, 150 feet to a point; thence Easterly in a line parallel with the Northerly line of State Street, 58 feet to the lands of John J. Brophy; thence Southerly in a straight line along the Westerly side of Brophy's land, 150 feet to the point or place of beginning.

Subject to all covenants, conditions, easements and restrictions of record affecting the same.

Being the same premises conveyed to John Duboveck and Josie Duboveck from Melbourne J. Eno by deed dated October 2, 1963 and recorded in the Schenectady County Clerk's Office on December 2, 1963 in Book 843 of Deeds at Page 268. John Duboveck died a resident of Schenectady County on October 31, 2001. Josephine L. Duboveck died a resident of Schenectady County on December 13, 2002.

TAX MAP IDENTIFICATION: Section 4959, Block 4, Lot 45

2. Premises and real property with appurtenances thereon located at **1828 ALTAMONT AVENUE, ROTTERDAM, NY**, more particularly described in a Deed dated January 2, 2003 and recorded in the Schenectady County Clerk's Office on April 24, 2003 in Book 1649 of Deeds at Page 554, as follows:

ALL that certain piece or parcel of land situate and being in the Town of Rotterdam, County of Schenectady, and State of New York, bounded and described as follows:

BEGINNING at a point located at the intersection formed by the southerly line of Altamont Avenue with the northeasterly terminus of Elizabeth Street; thence from said point of beginning and along said southerly line of Altamont Avenue, North 73° 59' 00" East, 113.62 feet to a point; thence in a southerly direction and along the west line of the lands now or formerly of Ralph & Madeline Cimino (Book 627, Page 253 & Book 1071, page 537), South 07° 05' 00" East, 123.69 feet to a point; thence in an easterly direction and along said lands of Cimino, North 90° 00' 00" East, 118.92 feet to a point located in the westerly line of Ferguson Street; thence in a southerly direction and along said westerly line of Ferguson Street, South 00° 00' 00" East, 72.00 feet to a point; thence in a westerly direction and along the north line of the Lands of John & Robert Adamec (Book 1054, Page 797), North 90° 00' 00" West, 125.00 feet to a point; thence in a southerly direction and

along the said lands of Adamec and continuing along other lands now or formerly of Adamec (Book 1362, Page 157), the lands now or formerly of Shoemaker (Book 959, Page 838) and the lands now or formerly of Fishbough (Book 1610, Page 405), South 00° 00' 00" West, 180.00 feet to a point; thence in a westerly direction and along the north line of the lands now or formerly Adamec (Book 1248, Page 45), North 90° 00'00" West, 125.00 feet to a point located in the easterly line of said Elizabeth Street; thence in a northerly direction and along said east line of Elizabeth Street the following two courses and distances: 1) North 00° 00' 00" West, 326.39 feet and 2) along a curve to the right having a radius of 25.00 feet, an arc length of 18.64 and bearing a chord of North 21° 21' 18" East, 18.21 feet to a point said point being the point or place of beginning.

Containing in all 53,705 square feet or 1.233 acres more or less.

Being all of Lots 61, 62, 112 thru 119 and a portion of Lots 59, 60, 110 and 111 as shown of a Map of Lots belonging to Martin Ham, dated 7-1-03 and filed on 8-8-03.

October 4, 2002

Vincent P. Ausfeld PLS 49597

Revised: December 18, 2002

TAX MAP IDENTIFICATION: Section 59.09, Block 8, Lot 5, 6.111, 8, 9.11

3. Premises and real property with appurtenances thereon located at **1879 CENTRAL AVENUE, ALBANY, NY**, more particularly described in a Deed dated September 23, 2002 and recorded in the Albany County Clerk's Office on January 23, 2004 in Book 2756 of Deeds at Page 1, as follows:

ALL that certain tract or parcel of land, with buildings and improvements thereon, situate in the Town of Colonie, formerly Town of Watervliet, County of Albany and State of New York, on the northeasterly side of Albany and Schenectady Turnpike Road, west of the Vly Road, being a part of Lot No. 4 on a map made in 1869 by Gerrit T. Whitbeck, which map was duly filed in the Albany County Clerk's Office on the 21st day of December, 1885, premises hereby conveyed being more particularly bounded and described as follows, viz:

BEGINNING at a point in the northeasterly side or line of Albany-Schenectady Turnpike Road where said line is intersected by the westerly line of a plot of land heretofore conveyed by Elijah Hudson Rider and Ruby Rider, his wife, to John C. Cipullo by deed dated July 6, 1927 and recorded July 7, 1927 in the Albany County Clerk's Office in Book 797 of Deeds, at Page 6, said point of beginning being also 370 feet westerly from the southeasterly corner of said Lot No. 4 and runs from thence westerly and along the said northeasterly side or line of said Albany-Schenectady Turnpike Road, 65 feet to the southeasterly corner of a plot of land heretofore conveyed by John D. Hartman and Emma I. Hartman, his wife, to John W. Finehout and Cora M. Finehout, his wife by deed bearing date September 14, 1912 and recorded in the Albany County Clerk's Office on December 4, 1912 in Book 614 of Deeds, at Page 35; running thence northerly and along the easterly line of land so conveyed to said John W. Finehout and Cora M. Finehout, his wife, 150 feet; thence running easterly and parallel with the northeasterly side or line of Albany and Schenectady Turnpike Road, 65 feet to a point 150 feet northerly from the northeasterly side or line of said Albany and Schenectady Turnpike Road; and running thence southerly and at right angles to the northeasterly side of said Albany-Schenectady Turnpike Road; and running thence southerly and at right angles to the northeasterly side of said Albany-Schenectady Turnpike Road; 150 feet to the northeasterly side or line of the Albany-Schenectady Turnpike Road at the point of place of beginning. The premises hereby conveyed being 65 feet in width both front and rear and 150 feet in depth.

Subject to all enforceable covenants, conditions, easements and restrictions of record which may affect said premises.

BEING the same premises conveyed to Roy E. Ogren, Jr. and Joseph J. Haller by deed from Henry G. Zelker, Jr. and Sally D. Zelker dated June 28, 1977 and recorded in the Albany County Clerk's Office on

the same date in Liber 2133 of Deeds at page 712. The said Jospeh J. Haller died September 16, 1985, a resident of Albany County leaving his wife, Mary R. Haller, his surviving spouse. Letters testamentary were issued to Mary R. Haller by the Surrogate of the County of Albany on October 16, 1985.

4. Premises and real property with appurtenances thereon located at **1881 CENTRAL AVENUE, ALBANY, NY**, more particularly described in a Deed dated November 4, 1999, and recorded in the Albany County Clerk's Office on November 18, 1999 in Book 2644 of Deeds at Page 59, as follows:

ALL that certain tract, piece or parcel of land, situate, lying and being in the Town of Colonie, County of Albany and State of New York, located on the northeasterly side of Central Avenue, and more particularly bounded and described as follows:

BEGINNING at a point on the northeasterly line of Central Avenue, said point being the division line between lands owned by Ying Y. Lai on the northwest and lands now or formerly of R.E. Ogren, et al.:

RUNNING THENCE along the land of Ogren et al. North 64 degrees 38 minutes East 331.35 feet to land now or formerly of Hussey;

THENCE North 22 feet 39 minutes 31 seconds West 200.41 feet to the other lands of Lai;

THENCE along land of Lai South 64 degrees 36 minutes 07 seconds West 340.93 feet to the northerly side of Central Avenue;

THENCE along the northeasterly side of Central Avenue South 25 degrees 23 minutes 53 seconds East 200 feet to the point or place of **BEGINNING**.

5. Premises and real property with appurtenances thereon located at **1885 CENTRAL AVENUE, ALBANY, NY**, more particularly described in a Deed dated September 9, 2002, and recorded in the Albany County Clerk's Office on September 30, 2002 in Book 2720 of Deeds at Page 999, as follows:

ALL that tract or parcel of land situate in the Town of Colonie, County of Albany and State of New York, on the northeast side of Central Avenue, and more particularly bounded and described as follows:

BEGINNING at a point on the northeasterly side of Central Avenue, said point being the division line between lands now or formerly of Cheng and land now or formerly of Lai;

RUNNING THENCE northwesterly along the northeasterly side of Central Avenue 191.50 feet;

THENCE North 49 degrees 35 minutes 20 seconds east 360.07 feet;

THENCE South 33 degrees 28 minutes 03 seconds east 141.22 feet;

THENCE South 40 degrees 19 minutes 12 seconds east 51.32 feet;

THENCE South 49 degrees 35 minutes 20 seconds west 342.89 feet to the northeasterly side of Central Avenue and the point or place of **BEGINNING**.

Said premises is also known as Lot 13 on Block 1 of Section 29.10 in the County of Albany.

6. Premises and real property with appurtenances thereon located at **52 LENT STREET, POUGHKEEPSIE, NY**, more particularly described in a Deed dated January 14, 2004, and recorded in the Dutchess County Clerk's Office on February 9, 2004 as document number 02 2004 2634 and described as follows:

ALL that certain plot, piece, or parcel of land situate, lying and being in the City of Poughkeepsie, County of Dutchess and State of New York, being bounded and described as follows:

BEGINNING at a point marking the intersection of the southerly boundary of Lent Street with the easterly boundary of Bement Avenue; and

RUNNING THENCE along the said southerly boundary of Lent Street, South 65 degrees 05 minutes 40 seconds East a distance of 40.00 feet to a point on the westerly boundary of lands now or formerly of Lanchester;

THENCE along the said westerly boundary of lands now or formerly Lanchester, South 24 degrees 54 minutes 20 seconds West a distance of 123.50 feet to a point;

THENCE along the northerly boundary of lands now or formerly of Canning, North 65 degrees 05 minutes 40 seconds West a distance of 40.00 feet to a point on the first mentioned easterly boundary of Bement Avenue, North 24 degrees 54 minutes 20 seconds East a distance of 123.50 feet to the point or place of **BEGINNING**.

7. Premises and real property with appurtenances thereon located at **75-77 ELMENDORF STREET, KINGSTON, NY**, more particularly described in a Deed dated October 2, 2003, and recorded in the Ulster County Clerk's Office on February 24, 2004 in Book Volume VI-3832 of Deeds at Page 60, as follows:

ALL that certain plot, piece or parcel of land, with buildings and improvements thereon erected, situate, lying and being in the City of Kingston, County of Ulster and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of Elmendorf Street, at the intersection of the lands of Waterbury and Tremper at a point seventy-six (76) feet, southerly from a stone monument set in the ground at the intersection of Elmendorf Street and Temper Avenue;

THENCE southerly along the westerly side of Elmendorf Street about thirty-five (35) feet ten (10) inches to the lands of Jacob H. Tremper Jr.;

THENCE westerly along the lands of Jacob H. Tremper Jr. ninety (90) feet;

THENCE northerly in a line parallel with Elmendorf Street, about thirty-five (35) feet ten (10) inches, to a point at the intersection of the lands of Waterbury and Longyear;

THENCE easterly along the lands of Waterbury ninety (90) feet to the point or place of Beginning.

BEING THE SAME PREMISES DESCRIBED IN A DEED from Dorothy Irene Schikerle dated **February 9, 2001** and recorded in the Ulster County Clerks Office on **February 12, 2001** in Liber **3127** at page **219**

8. Premises and real property with appurtenances thereon located at **88 SERENITY DRIVE, RUBY, NY**, more particularly described in a Deed dated October 11, 1994, and recorded in the Ulster County Clerk's Office on January 10, 1995 in Liber 2462 of Deeds at Page 49, as follows:

Town of Saugerties, County of Ulster and State of New York bounded and described as follows:

BEGINNING at a point, said point being on the division line between the Town of Ulster and Town of Saugerties and being the southwesterly corner of lands to be conveyed, thence along the lands of the Town of Ulster and Serenity Drive on the following courses: N 32-29-30 E 100.00' and N 54-32-08 W 50.00' to a point, thence along other lands of Kuske and a proposed road N 35-16-02 E 205.00' to a point, thence along other lands of Kuske S 56-54-09 E 239.02' to a point, thence along the lands now or formerly D. Sheehan on the following courses; S 35-25-05 W 215.00', S 47-53-02 W 63.11', S 65-22-25 W 31.29' and S 30-26-08 W 8.80' to a point in a stone wall on the division line of said Towns of Saugerties and Ulster, thence along said division line N 54-32-08 W and said wall 161.39' to the point or place of beginning containing 1.551 acres. All bearings are as the compass pointed in the year 1971.

Subject to covenants, easements and restrictions of record, if any.

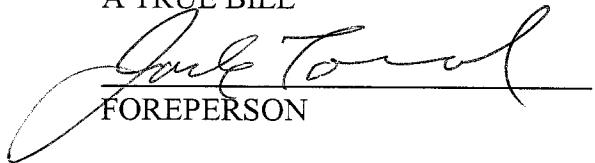
SUBSTITUTE ASSETS

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party,
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeiture judgment for which each defendant is joint and severally liable.

A TRUE BILL



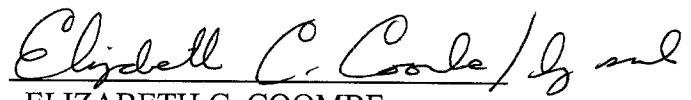
Foreperson

GLENN T. SUDDABY
UNITED STATES ATTORNEY

BY:



SARA M. LORD
ASSISTANT U.S. ATTORNEY



ELIZABETH C. COOMBE
ASSISTANT U.S. ATTORNEY